

1 MAYER BROWN LLP
DALE J. GIALI (SBN 150382)
2 dgiali@mayerbrown.com
KERI E. BORDERS (SBN 194015)
3 kborders@mayerbrown.com
REBECCA B. JOHNS (SBN 293989)
4 rjohns@mayerbrown.com
350 South Grand Avenue, 25th Floor
5 Los Angeles, CA 90071
Telephone: (213) 229-9500
6 Facsimile: (213) 625-0248

7 Attorneys for Defendant
LOGITECH, INC.

8 [ADDITIONAL PARTY ON SIGNATURE
9 PAGE]

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 JAMES PORATH, individually on behalf of all
14 others similarly situated individuals,

15 Plaintiffs,

16 v.

17 LOGITECH, INC., a California corporation,

18 Defendant.

Case No. 3:18-cv-03091

**STIPULATED MOTION AND
[PROPOSED] ORDER REFERRING
PARTIES TO PRE-CERTIFICATION
MAGISTRATE JUDGE SETTLEMENT
CONFERENCE**

Complaint Filed: May 23, 2018

1 Plaintiff James Porath (“Plaintiff”) and defendant Logitech, Inc. (“Logitech”)
2 (collectively, the “Parties”), by and through their respective counsel of record, hereby agree to
3 and request a Court order referring the parties to a settlement conference before Magistrate Judge
4 Jacqueline Scott Corley for the purpose of pre-class certification settlement discussions. Mindful
5 of the Court’s June 13, 2018 Notice and Order re Putative Class Actions and Factors To Be
6 Evaluated For Any Proposed Class Settlement (ECF No. 16), the Parties stipulate and agree as
7 follows:

8 WHEREAS, on May 23, 2018, Plaintiff filed his complaint in this matter (ECF No. 1),
9 alleging that certain of the advertising of Logitech’s Z200 speakers that he relied on in his
10 purchasing decision misled him into believing he was purchasing a speaker set that had two
11 drivers per speaker when, in fact, each speaker had only one driver;

12 WHEREAS, on June 13, 2018, the Court issued its June 13, 2018 Notice and Order re
13 Putative Class Actions and Factors To Be Evaluated For Any Proposed Class Settlement, ECF
14 No. 16 (the “Order”);

15 WHEREAS, the Parties have carefully reviewed the Order and confirm their current and
16 anticipated future compliance with its terms;

17 WHEREAS, on July 19, 2018, Logitech answered the complaint (ECF No. 18);

18 WHEREAS, on July 23, 2018, Logitech emailed Plaintiff’s counsel expressing an interest
19 in resolving the case by making the putative class whole but noting that, pursuant to the Order,
20 the necessary first step would be to obtain leave from this Court to begin any settlement
21 discussions,

22 WHEREAS, the Parties subsequently discussed the steps necessary to obtain an order
23 from this Court granting the Parties leave to discuss a pre-certification resolution, but, mindful of
24 the Order, made certain not to discuss specific settlement terms, attorneys’ fees, incentive
25 awards, or anything similar,

26 WHEREAS, the Parties believe that this may be the rare putative class action case that,
27 under the Order, is appropriate for early class resolution because:

- 1 • For purposes of the proposed settlement negotiations before Magistrate Judge
- 2 Corley, Logitech agrees to negotiate a settlement on a class basis and will not
- 3 seek a “discount” based on the potential risk that the putative class is not
- 4 certified.
- 5 • Logitech has confirmed to Plaintiff that it has already begun the process of
- 6 revising the challenged advertising to address the specific issue experienced
- 7 by Plaintiff.
- 8 • Logitech has further confirmed that it is prepared to negotiate a resolution
- 9 with Plaintiff and other similarly situated consumers with respect to purchases
- 10 of the Z200 speakers to make all such consumers whole.
- 11 • Logitech has further confirmed that it is prepared to memorialize such
- 12 resolution in a class settlement, subject to review and approval by the Court;
- 13 • The Parties have further confirmed that they are prepared to provide
- 14 reasonable and appropriate discovery to develop the factual record necessary
- 15 to negotiate and reach an appropriate resolution.
- 16 • Plaintiff’s counsel intends to file a motion for appointment of interim lead
- 17 counsel no later than August 22, 2018.
- 18 • The Parties have agreed to seek a referral to Magistrate Judge Jacqueline Scott
- 19 Corley for a Magistrate Judge Settlement Conference.

20 WHEREAS, because Logitech is prepared to proceed immediately to negotiating, on a
21 class basis, a resolution of the issue experienced by Plaintiff and other similarly situated
22 consumers, **and to making such consumers whole**, the Parties do not believe that continuing to
23 expend resources litigating the matter, or that class certification proceedings, are necessary or an
24 efficient course of action or in the best interest of the putative class; and

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
26 the Parties, subject to approval from the Court, that:

- 27 1. The Parties are familiar with and will abide by the Order;

1 2. Upon the requested referral, the Parties will convene a settlement conference
2 before Magistrate Judge Jacqueline Scott Corley to explore a class settlement on terms consistent
3 with the Order; and

4 3. The Parties shall report to the Court regarding the progress of the settlement
5 discussions and anticipated future actions.

6
7 Dated: August 21, 2018

EDELSON PC
Rafey Balabanian
Todd Logan

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9
10 By: /s/ Todd Logan
11 Todd Logan
12 Attorneys for Plaintiff and the Putative Class

13 Dated: August 21, 2018

MAYER BROWN LLP
Dale J. Giali
Keri E. Borders
Rebecca B. Johns

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15
16 By: /s/ Dale J. Giali
17 Dale J. Giali
18 Attorneys for Defendant Logitech, Inc.

ATTESTATION

I, Dale J. Giali, hereby attest, pursuant to N.D. Cal. Local Rule 5-1(i)(3) that concurrence to the filing of this document has been obtained from each signatory.

By: /s/ Dale J. Giali

Dale J. Giali

Attorney for Defendant Logitech, Inc.

[PROPOSED] ORDER

Pursuant to stipulation, it is **SO ORDERED** that:

1. The Parties may convene a settlement conference to explore a class settlement on terms consistent with the Court's June 13, 2018 Order (ECF No. 16);

2. The case is referred for settlement purposes to Magistrate Judge Jacqueline Scott Corley to conduct an early settlement conference; and

3. The Parties shall report to the Court regarding the progress of the settlement discussions, as well as their anticipated course of action regarding settlement, within 7 days of the completion of the settlement conference with Magistrate Jacqueline Scott Corley.

DATED: _____

HONORABLE WILLIAM ALSUP
United States District Judge